

AMENDED IN SENATE JUNE 20, 2011

AMENDED IN ASSEMBLY MARCH 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 337**

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**Introduced by Assembly Member Monning**

February 10, 2011

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An act to amend Section 35617 of the Public Resources Code, relating to ocean resources.

### LEGISLATIVE COUNSEL'S DIGEST

AB 337, as amended, Monning. Ocean resources: Ocean Protection Council: sustainable seafood.

The California Ocean Protection Act establishes the Ocean Protection Council in state government. Existing law requires the council to develop and implement a specified voluntary sustainable seafood promotion program. The program would, among other things, consist of a protocol, which is required to be developed in a transparent process and adopted by the council in a public meeting, to guide entities on how to be independently certified to internationally accepted standards for sustainable seafood, as defined, a marketing assistance program, and a competitive grant and loan program. It would prohibit seafood produced through aquaculture or fish farming from being certified as sustainable under these provisions until nationally or internationally accepted sustainability standards have been developed and implemented.

The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would provide that the voluntary sustainable seafood program, each component of the program, and actions taken by the council to implement the program are ~~exempt from the provisions of the Administrative Procedure Act regarding public participation in the procedure for adoption of regulations~~ *not regulations for the purposes of the Administrative Procedure Act*. The bill would expressly require that any substantive amendments or revisions to the protocol be developed in a transparent process and adopted by the council in a public meeting.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 35617 of the Public Resources Code is  
2     amended to read:  
3     35617. (a) The Ocean Protection Council shall develop and  
4     implement a voluntary sustainable seafood promotion program for  
5     the state.  
6     (b) The program shall consist of all of the following:  
7     (1) A protocol to guide entities on how to be independently  
8     certified to internationally accepted standards for sustainable  
9     seafood. The protocol and any substantive amendments or revisions  
10    to the protocol shall be developed in a transparent process and  
11    adopted by the council in a public meeting. The council shall  
12    identify in a public document that the provisions of subdivision  
13    (c) of Section 35550 have been met.  
14    (2) (A) A marketing assistance program for seafood caught in  
15    California that is independently certified to internationally accepted  
16    standards for sustainable seafood. The council shall consult with  
17    the Department of Food and Agriculture in implementing this  
18    paragraph.  
19    (B) Consistent with subparagraph (A), the marketing assistance  
20    program shall consist of competitive grants and loans for discrete  
21    and limited activities to benefit participants in the fishing industry  
22    in California.  
23    (3) A competitive grant and loan program, only in years in which  
24    funds are appropriated by the Legislature to the California Ocean  
25    Protection Trust Fund, for eligible entities, including, but not  
26    limited to, fishery groups and associations, for the purpose of

1 assisting California fisheries in qualifying for certification to  
2 internationally accepted standards for sustainable seafood. This  
3 program may be implemented in coordination with other state and  
4 private programs to maximize its effectiveness.

5 (4) The design of a label or labels that may be used exclusively  
6 to identify seafood caught in California that is certified to  
7 internationally accepted standards as sustainable seafood.

8 (c) Seafood produced through aquaculture or fish farming shall  
9 not be certified as sustainable under this division until nationally  
10 or internationally accepted sustainability standards have been  
11 developed and implemented.

12 (d) The program, each component of the program, and actions  
13 taken by the council to implement the program are ~~exempt from~~  
14 ~~Article 5 (commencing with Section 11346) of Chapter 3.5 of Part~~  
15 ~~4 of Division 3 of Title 2 of the Government Code.~~ *based upon*  
16 *voluntary actions initiated by entities pursuant to this section and*  
17 *are not regulations as defined in Section 11342.600 of the*  
18 *Government Code.*